

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LUKE VADAN FRANK, Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

LUKE VADAN FRANK,

Respondent-Appellant.

UNPUBLISHED
November 6, 2007

No. 273991
Wayne Circuit Court
Family Division
LC No. 04-433039-DL

Before: Zahra, P.J., and White and O'Connell, JJ.

MEMORANDUM.

Respondent appeals as of right from orders of disposition entered following delinquency proceedings in which the trial court accepted respondent's pleas to incorrigibility in school, MCL 712A.2(A)(4), and violation of probation, and removed him from his home. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The interpretation of court rules and statutes presents an issue of law that is reviewed de novo on appeal. *Muci v State Farm Mut Auto Ins Co*, 478 Mich 178, 187; 732 NW2d 88 (2007). The jurisdiction of the family division of circuit court is established by MCL 712A.2. MCL 712A.2(b), the neglect provision, establishes the court's jurisdiction over juveniles whose parents have neglected or abandoned them or whose home is an unfit place to live. MCL 712A.2(a), the delinquency provision, establishes the court's jurisdiction over juveniles under the age of 17 who have committed criminal offenses and certain civil violations and status violations. See *In re Juvenile Commitment Costs*, 240 Mich App 420, 427; 613 NW2d 348 (2000).

Although no order regarding adjudication under the neglect provision appears in the lower court record, the referee and prosecutor each mentioned that respondent and his brother first came within the court's jurisdiction as neglect wards. The referee also alluded to the negligence of respondent's parents several times. Regardless of what earlier neglect proceedings transpired, however, those matters are not now before this Court, nor is the dismissal of the court's neglect jurisdiction over respondent.

Respondent was removed from his home following delinquency proceedings. Delinquency matters are properly commenced with the filing of a petition stating sufficient allegations that, if true, would constitute an offense committed by the juvenile and requesting

court action. MCR 3.931(A). In this case, there were multiple delinquency petitions filed alleging multiple offenses. Respondent offered pleas of admission to two of the offenses, which the court accepted after questioning respondent regarding the voluntariness of his pleas and hearing testimony establishing the factual background of the pleas, satisfying the requirements of MCR 3.941(A) and (C). Pursuant to MCR 3.943(E), having found that respondent committed an offense, the court was permitted to enter an order of disposition prescribed in MCL 712A.18. This statute enabled the court to fashion an appropriate remedy, which included committing respondent to the Department of Human Services and a state institution. See also *In re Juvenile Commitment Costs*, *supra* at 428

Because the trial court adhered to the court rules and statutes regarding delinquency proceedings, the court did not err by entering dispositional orders that terminated respondent's probation and placed him outside his home.

Affirmed.

/s/ Brian K. Zahra
/s/ Helene N. White
/s/ Peter D. O'Connell